Remarks

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks. Claims 1-16, 18, 20-49, and 51-58 are pending in the application. Claims 1-16, 18, 20-49, and 51-58 are rejected. No claims have been allowed. Claims 1, 25, 28, 36, 51, and 52 are independent. Claims 1, 25, 28, 36, 51, and 52 have been amended.

Cited Art

The Action cites Parulski et al. (U.S. 6,930,718) (hereinafter "Parulski").

Claim Rejections under 35 USC § 102

The Action rejects claims 1-3, 7-16, 20-37, 41-49, and 51-58 under 35 USC 102(e) as being anticipated by Parulski. The rejections are traversed.

Claims 1-3, 7-16, 20-24, and 56 are Allowable Over Parulski

Claim 1 recites, in part, a method performed by a computer of processing digital images, the method comprising, in part:

> wherein the analyzing and the adjusting are performed automatically at the target computer, and wherein the analyzing and the adjusting are initiated by the transferring of the first digital image file from the first digital image data source device to the target computer without further input from the user.

Parulski does not teach or suggest the above recited language of amended claim 1.

For example, Parulski does not teach or suggest that the analyzing and adjusting are initiated by the transferring of the data from the device to the target computer **without further input from the user**. The Examiner states that Parulski shows a responsive system and cites to Parulski, 37:53 - 38:5. This cited section of Parulski, however, states:

> The camera 10 has a suggestion review switch 350 . . . that is selectively pushed . . . **by the user**. . . . Responsive to this actuation of switch 350, the control system 80 reads (364) the revision suggestion set in memory, generates (366) a revision suggestion image 138c and shows (368) the revision suggestion image 138c on the image display 26." (37:59-67, emphasis added.)

Thus, to the extent that the method of Parulski is "responsive", it is responsive to the user

actuating a switch, rather than responsive to the "transferring of the first digital image file from the first digital image data source device to the target computer **without further input from the user**" as recited in amended claim 1. Thus, Parulski does not teach each and every element of claim 1, and claim 1 is allowable over Parulski.

Claims 2-3, 7-16, 20-24, and 56 depend from claim 1 and thus are allowable over Parulski at least for the reasons above.

Applicants respectfully request withdrawal of the § 102(e) rejections and allowance of claim 1 and its respective dependent claims 2-3, 7-16, 20-24, and 56 at least for the reasons above.

Claims 25-27 and 57 are Allowable Over Parulski

Independent claim 25 recites a method performed by a computer of processing digital images, the method comprising, in part:

> initiated by the transfer of the first digital image file from the first digital image data source device to the target computer, and prior to receiving any user input relating to the analyzing, adjusting the image data from the first digital image file at the target computer based at least in part on the analysis of the image data.

Parulski does not teach or suggest the above recited language of independent claim 25. For example, Parulski does not teach or suggest that the adjusting is initiated by the transfer of the first digital image file from the first digital image data source device to the target computer, and **prior to receiving any user input relating to the analyzing**. As described above, the method of Parulski is responsive to the user actuating a switch, rather than "initiated by the transfer of the first digital image file from the first digital image data source device to the target computer, and prior to receiving any user input relating to the analyzing" as recited in independent claim 25. Thus, Parulski does not teach or suggest each and every element of independent claim 25, and independent claim 25 is allowable.

Dependent claims 26, 27, and 57 depend from independent claim 25 and thus are allowable over Parulski at least for the reasons above.

Applicants respectfully request withdrawal of the § 102(e) rejections and allowance of independent claim 25 and its respective dependent claims 26, 27, and 57 at least for the reasons above.

Claims 28-35 are Allowable Over Parulski

Independent claim 28 recites a computer system comprising, in part:

> an image adjustment software module at the target computer for adjusting the one or more acquired digital images at image acquisition time, wherein the adjusting is based at least in part on the analyzing, wherein the analyzing and the adjusting are initiated by the acquiring of the one or more digital image files containing one or more digital images from the digital image source device and occur prior to further user input.

Parulski does not teach or suggest the above recited language of independent claim 28. For example, Parulski does not teach or suggest that the analyzing and the adjusting are initiated by the acquiring of the one or more digital image files containing one or more digital images from the digital image source device **and occur prior to further user input**. As described above, the method of Parulski is responsive to the user actuating a switch, rather than the analyzing and adjusting "occur[ing] prior to further user input" as recited by independent claim 28. Thus, Parulski does not teach or suggest each and every element of independent claim 28, and independent claim 28 is allowable.

Dependent claims 29-35 depend from independent claim 28 and thus are allowable over Parulski at least for the reasons above.

Applicants respectfully request withdrawal of the § 102(e) rejections and allowance of independent claim 28 and its respective dependent claims 29-35 at least for the reasons above.

Claims 36-49 and 58 are Allowable Over Parulski

Independent claim 36 recites a software system for processing digital images, the software system comprising in part:

> means for receiving a digital image file comprising a digital image from a digital image source device;
> means for analyzing digital image data in the received digital image file, wherein the means for analyzing automatically analyzes the digital image data responsive to the received digital image file and without further user input; and
> means for adjusting the digital image based on the automatic analysis of the digital image data, wherein the means for adjusting automatically adjusts the digital image data responsive to the automatic analysis without further user input.

Parulski does not teach or suggest the above recited language of independent claim 36.

For example, Parulski does not teach or suggest means for adjusting the digital image based on the automatic analysis of the digital image data, wherein the means for adjusting automatically adjusts the digital image data responsive to the automatic analysis without further user input. As described above, the method of Parulski is responsive to the user actuating a switch, rather than the analyzing and adjusting being "responsive to the automatic analysis without further user input" as recited by independent claim 36. Thus, Parulski does not teach or suggest each and every element of independent claim 36, and independent claim 36 is allowable.

Dependent claims 37-49 and 58 depend from independent claim 36 and thus are allowable over Parulski at least for the reasons above.

Applicants respectfully request withdrawal of the § 102(e) rejections and allowance of independent claim 36 and its respective dependent claims 37-49 and 58 at least for the reasons above.

Claim 51 Allowable Over Parulski

Independent claim 51 recites a method for developing computer software for a digital image analysis and adjustment system, the method comprising in part:

> receiving a software platform for analyzing and adjusting digital images at a target computer responsive, without further user input, to receiving one or more files containing the digital images at the target computer from a source device . . .

Parulski does not teach or suggest the above recited language of independent claim 51. For example, Parulski does not teach or suggest analyzing and adjusting digital images at a target computer **responsive, without further user input, to receiving one or more files** containing the digital images at the target computer from a source device. As described above, the method of Parulski is responsive to the user actuating a switch, rather than the analyzing and adjusting being "responsive, without further user input, to receiving one or more files" as recited by independent claim 51. Thus, Parulski does not teach or suggest each and every element of independent claim 51, and independent claim 51 is allowable. Applicants respectfully request withdrawal of the § 102(e) rejection and allowance of independent claim 51 at least for the reasons above.

Claims 52-55 are Allowable Over Parulski

Independent claim 52 recites a software system providing digital image processing functionality, the software system comprising, in part:

> a customizable software architecture for adjusting digital image data at a target computer based on analysis performed at the target computer, wherein the adjusting and the analysis of the digital image data is responsive, without further user input, to acquisition of one or more files containing digital images by the target computer from a digital image source device . . .

Parulski does not teach or suggest the above recited language of independent claim 52. For example, Parulski does not teach or suggest adjusting digital image data at a target computer based on analysis performed at the target computer, **wherein the adjusting and the analysis of the digital image data is responsive, without further user input, to acquisition of one or more files**. As described above, the method of Parulski is responsive to the user actuating a switch, rather than the analyzing and adjusting being "responsive, without further user input, to acquisition of one or more files" as recited by independent claim 52. Thus, Parulski does not teach or suggest each and every element of independent claim 52, and independent claim 52 is allowable.

Dependent claims 53-55 depend from independent claim 52 and thus are allowable over Parulski at least for the reasons above.

Applicants respectfully request withdrawal of the § 102(e) rejections and allowance of independent claim 52 and its respective dependent claims 53-55 at least for the reasons above.

Patentability of Claims 4-6, 18, and 38-40 Under 35 USC § 103(a)

The Action rejects claims 4-6, 18, and 38-40 under 35 U.S.C § 103(a) as unpatentable over Parulski.

Dependent Claims 4-6 and 38-40 Are Allowable Over Parulski

The Examiner rejects dependent claims 4-6 and 38-40 by taking Official Notice under MPEP § 2144.03 that the elements introduced by each of dependent claims 4-6 and 38-40 are obvious to one of skill in the art. (Office Action, pages 14-15.) Applicants respectfully disagree.

However, even if for the sake of argument the elements of any of dependent claims 4-6 and 38-40 would have been "capable of instant and unquestionable demonstration as being well-

known" as required by MPEP § 2144.03, they do not cure the above recited deficiency of independent claims 1 and 36, from which claims 4-6 and 38-40 depend, respectively. Specifically, the elements of dependent claims 4-6 and 38-40 do not address "transferring of the first digital image file from the first digital image data source device to the target computer **without further input from the user**" as recited in amended claim 1 or analyzing and adjusting "responsive to the automatic analysis without further user input" as recited by independent claim 36.

Thus, even if the elements of dependent claims 4-6 and 38-40 were obvious to one of ordinary skill in the art, which they are not, they would not cure the deficiencies of independent claims 1 and 36. Because independent claims 1 and 36 are allowable over Parulski, dependent claims 4-6 and 38-40 are also allowable over Parulski. Applicants respectfully request withdrawal of the § 103(a) rejections and allowance of dependent claims 4-6 and 38-40 over Parulski.

Dependent Claim 18 is Allowable Over Parulski

The Examiner rejects dependent claim 18 by taking Official Notice under MPEP § 2144.03 that the element introduced by dependent claim 18 is obvious to one of skill in the art. (Office Action, page 15.) Applicants respectfully disagree.

However, even if for the sake of argument the element of dependent claim 18 would have been "capable of instant and unquestionable demonstration as being well-known" as required by MPEP § 2144.03, it would not cure the above recited deficiency of claim 1, from which claim 18 depends. Specifically, the element of dependent claim 18 does not address "transferring of the first digital image file from the first digital image data source device to the target computer **without further input from the user**" as recited in amended claim 1.

Thus, even if the element of dependent claim 18 was obvious to one of ordinary skill in the art, which it is not, it would not cure the deficiencies of independent claim 1. Because independent claim 1 is allowable over Parulski, dependent claim 18 is also allowable over Parulski. Applicants respectfully request withdrawal of the § 103(a) rejection and allowance of dependent claim 18 over Parulski.

Interview Request

If the claims are not found by the Examiner to be allowable, the Examiner is requested to call the undersigned attorney to set up an interview to discuss this application.
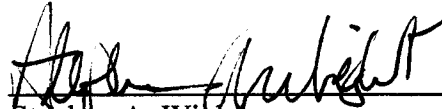
Conclusion

The claims in their present form should be allowable. Such action is respectfully requested.

Respectfully submitted,

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